

1 2. On October 30, 2007, Plaintiff served the 1st Set of Document Requests on
2 Defendant County of Contra Costa, which requested a copy of Defendant Ingrassia's personnel
3 file, among other requests (Document Request No. 8). One of the many purposes for which
4 Plaintiff requested the officer's personnel file was to obtain phone numbers used by the officer to
5 investigate and confirm the officer's involvement in harassing phone calls made to Plaintiff from
6 2006 to 2007.

8 3. More than eight months later on July 16, 2008, Plaintiff received a supplemental
9 production of documents from the County that presumably include documents contained in
10 Defendant Ingrassia's personnel file. It is impossible to determine which documents are
11 responsive to Plaintiff's 1st Set of Discovery Requests No. 8 because this document production
12 included nearly 4,000 pages of documents that were disorganized, unlabeled, and did not indicate
13 which document requests to which the documents were responsive. An amended response
14 provided by Assistant County Counsel did not identify which documents in this production were
15 purported to comprise Defendant Ingrassia's personnel file.

18 4. Many documents produced by the County that may or may not include documents
19 contained in Defendant Ingrassia's personnel file were redacted. Among the many redactions
20 made, any and all phone numbers for the officer were redacted.

22 5. In an effort to meet and confer with Assistant County Counsel, Mr. Harvey
23 acknowledged by letter dated July 1, 2008, that discovery of Defendant Ingrassia's phone
24 numbers is relevant to Plaintiff's claims of harassment by the officer by phone. Mr. Harvey
25 agreed that he would release the phone numbers for Defendant Ingrassia, but conditional upon
26 the approval of counsel for Defendant Ingrassia.

1 6. By letter dated August 30, 2006, Contra Costa County Deputy Public Defender Diana
2 Garrido advised the municipal defendants of harassing and threatening phone calls received by
3 Plaintiff. Ms. Garrido requested that the municipal defendants investigate the harassing phone
4 calls to confirm Plaintiff's suspicion that Defendant Ingrassia was responsible for making these
5 phone calls. A true and accurate copy of this letter from Ms. Garrido is attached hereto as
6 Exhibit D.
7

8 7. On January 19, 2007, I represented Plaintiff at his interview with two internal affairs
9 investigators at the Sheriff's Department.
10

11 8. During the course of the two-hour interview, the investigators interrogated Plaintiff
12 about matters related to Plaintiff's criminal charges, although the charges had already been
13 dismissed by the Contra Costa County Superior Court Judge Charles Treat. The investigators
14 asked Plaintiff very few, if any, questions about his allegations of harassment and retaliation
15 against Defendant Ingrassia.
16

17 9. At the close of Plaintiff's interview by internal affairs, I requested that the
18 investigators conduct a fair and proper investigation to determine whether Defendant Ingrassia
19 was responsible for making the threatening and harassing phone calls to Plaintiff. I also
20 requested that the investigators advise Defendant Ingrassia that he is not to have any
21 communications with Plaintiff. I was assured by the investigators that the officer would be so
22 advised.
23

24 10. On March 5, 2007, I had the opportunity to question Defendant Ingrassia at the
25 traffic court hearing on the retaliatory traffic ticket he issued to Plaintiff more than four months
26 after his arrest. At that time, Defendant Ingrassia testified that he was never advised by anyone
27 with the internal affairs division that he was not to have any communications with Plaintiff.
28

1 11. In support of Plaintiff's Motion for a Protective Order filed on November 21, 2007,
2 Plaintiff filed an affidavit detailing the long history of harassment he has endured from
3 Defendant Ingrassia. Included in this affidavit is information about the harassing and threatening
4 phone calls Plaintiff received and the reasons why he believes Defendant Ingrassia is responsible
5 for making these phone calls. A true and accurate copy of Mr. Bhatnagar's affidavit is attached
6 hereto as Exhibit E.

8 12. On April 9, 2008, I requested dates of availability for the deposition of Defendant
9 Ingrassia, to be scheduled in May of 2008. I was advised by Mr. Fitzgerald's secretary that she
10 would inquire with Mr. Fitzgerald and Defendant Ingrassia and get back to me. However, I
11 never received any response to this request. A true and accurate copy of the e-mail
12 correspondence pertaining to this request is attached hereto as Exhibit F.

14 13. On August 6, 2008, I again requested dates of availability for the deposition of
15 Defendant Ingrassia, to be scheduled on September 4-17, 2008. Once again, I have not received
16 any response to this request. A true and accurate copy of my e-mail correspondence on August
17 6, 2008 is attached hereto as Exhibit G.

19 14. Plaintiff proposes to take the first day of Defendant Ingrassia's deposition on
20 September 9, 10, 12, or 13, 2008. I have confirmed that Mr. Harvey is also available on those
21 dates.

23 15. Plaintiff proposes to take the second day of Defendant Ingrassia's deposition on
24 September 22, 23, or 24, 2008. I have not yet confirmed whether Mr. Harvey is also available on
25 those dates.

